# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/973,810 | 10/10/2001 | Adarsh Gupta | CHA920010011US1 | 7829 |

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| 23550 | 7590 | 02/08/2005 |

HOFFMAN WARNICK & D'ALESSANDRO, LLC
3 E-COMM SQUARE
ALBANY, NY 12207

| EXAMINER |
|---|
| LU, KUEN S |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2167 | |

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| ***Advisory Action***<br>***Before the Filing of an Appeal Brief*** | 09/973,810 | GUPTA ET AL. |
| | Examiner | Art Unit | |
| | Kuen S Lu | 2167 | |

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED <u>12 January 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,2,5-16,18-32,34-43 and 45-50*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet</u>.

1.  This is a continuation of PTO-303.          Application No. 09/973,810.

2.   Regarding the Applicant's proposed amendments filed on January 12, 2005, the

proposed amendment will not be entered because the following new issues were raised

which would require further consideration and/or new search. Please see MPEP

706.07(b).

a). At claim 1, the limitation "repeating the steps of logging at least one transaction

and executing the at least one logged transaction on the second server **prior to the**

**step of queuing** until a set point is met" was amended to "repeating the steps of

logging at least one transaction and executing the at least one logged transaction on the

second server prior to the step queuing until a set point is met";

b). At claims 1 and 13, the limitation "wherein a time duration of each repeating step

is shorter than a preceding repeating step" was amended to "wherein a time duration of

each repeating step is shorter than a preceding repeating step, and transaction service

on the second server is paused until the providing step";

c). At claim 27, the limitation "wherein a time duration of each repeating step is

shorter than a preceding updating step" was amended to "wherein a time duration of

each repeating step is shorter than a preceding updating step, and transaction service

on the second server is paused until after the executing step";

d). At claim 31, the limitation "wherein a time duration of each activation of the

updating module is shorter than a preceding activation" was amended to "wherein a

time duration of each activation of the updating module is shorter than a preceding

activation, and transaction service on the second server is paused until after an

activation of the transaction module";

e). At claim 40, the limitation "wherein a time duration of each repeating step is

shorter than a preceding repeating" was amended to "wherein a time duration of each

repeating step is shorter than a preceding repeating, and transaction service on the

second server is paused until after an activation of the executing means";

f). At claim 41, the limitation "wherein a time duration of each updating conducted by

the updating program code is shorter than a preceding updating" was amended to

"wherein a time duration of each updating conducted by the updating program code is

shorter than a preceding updating, and transaction service on the second server is

paused until after an execution of the program code configured to execute";

g). At claim 42, the limitation "wherein a time duration of each updating module is

shorter than a preceding activation" was amended to "wherein a time duration of each

updating module is shorter than a preceding activation, and transaction service on the

second server is paused until after an activation of the transaction module".

3. Regarding Applicant's Remarks, the Applicant's arguments have been considered

carefully but not persuasive. Therefore, the rejections is maintained as set forth on the

Final Action November 15, 2004.

Kuen S. Lu

Patent Examiner

February 7, 2005

Luke Wassum

Primary Examiner

February 7, 2005